

FREQUENTLY ASKED QUESTIONS – RECALL in TORRANCE

Prepared by Torrance City Clerk

July 14, 2006

This document was designed for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply.

What is a recall?

A recall has been a part of California's political system since 1911. It provides a mechanism for the public to attempt to remove elected public officials from office before the end of their term.

Who are the proponents?

By law, the proponents are those persons who signed the original Notice of Intention filed with the City Clerk's office. The names are listed on the recall petition.

When did the recall drive begin?

After a Notice of Intention is filed on the individual or individuals to be recalled. The Notice of Intention must be published in a local newspaper. The Notice of Intention and an affidavit of publication must be filed with the City Clerk. The format of petitions must be approved by the City Clerk prior to circulation of petitions.

How much time do recall proponents have to gather signatures?

The proponents have 160 days to circulate petitions.

How many signatures are required?

To qualify the recall for the ballot, proponents need a number of signatures which is equal to 15% of the voters registered in the City of Torrance as last reported to the Secretary of State by the Los Angeles County Registrar. History shows that some signatures are rejected as invalid during the verification process. Therefore in order to obtain enough valid signatures to qualify the recall for the ballot, it is anticipated that the proponent will need to submit more than the minimum requirement.

Who may sign a recall petition?

Only the signatures of registered Torrance voters will be counted to qualify the recall for the ballot.

Are petitions open to public inspection?

Petitions are open only to the Election Official (City Clerk). If the petition is found to be insufficient only the proponents of the petition and their representatives will be allowed to see the petitions. All petitions are sealed, then destroyed after the certification of the results of the election for which the petition qualified or, if no election is held, eight months after the clerk's final examination of the petition.

Can a name be withdrawn from a petition?

Any voter who has signed a recall petition who wishes to have his or her signature withdrawn from the petition may file a written request with the City Clerk no later than the day before the petition is filed. (E.C. 103 and 12303) The written request must identify the subject recall petition, clearly indicate the requestor indeed signed such a petition and contain the person's name, residence address and signature.

The City Clerk will not have no way of knowing for sure when the proponents will choose to file the recall petitions and will not be able to advise persons who wish to withdraw their signatures as to any "deadline" for filing the requests.

Where can petitions be circulated?

Petitions may be circulated in person or by mail. Circulators may be on any public property as long as they are not blocking sidewalks, streets or otherwise impeding the flow of traffic. Shopping centers are private property and the courts have had to balance the private property rights of the shopping center owners against the free speech rights and petitions rights of petition circulators. Supporters and opponents of recall are advised to contact property owners prior to circulation and to seek legal advice when issues arise as to speech and petitioning rights on private property.

Who are petitions filed with?

Petitions are filed all together at one time with the Torrance City Clerk.

Who verifies petition signatures?

The City Clerk will make a prima facie check of petitions to determine whether apparently sufficient signatures have been submitted. If it is determined that a minimum number of signatures have been submitted petitions will be sent to the Los Angeles County Registrar for signature verification. The law allows up to thirty days including Saturdays, Sundays and holidays.

Who sets the date of the recall election?

The City Clerk will present a notice to the City Council as to the sufficiency or insufficiency. If sufficient, the City Council has 14 days from the meeting to call the election to be held between 88 and 125 days later. If the City Council fails to act the Los Angeles County elections official, within five days, shall set the date of holding the election. If any other election is to be held during that time period, the election may be consolidated.

What determines the date of a recall?

The date is determined by the date the petitions are declared sufficient, the sufficiency has been presented to the City Council and their action.

What is the cost of a recall election?

The election can be a special election either conducted by the Torrance City Clerk or consolidated with Los Angeles County. The estimated cost of any election is \$120,000 - \$140,000 but may vary with circumstances.

What will a recall ballot look like?

The ballot will be in two parts. In the first part, voters may vote for or against the recall. In the second part, the voter may select a replacement candidate. If a majority of the voters vote "yes" on the first question, then the recall is successful, and the replacement candidate who gets the most votes is elected for the unexpired term of office.

Who can run as a replacement candidate?

No person whose recall is being sought subject may be a candidate to succeed himself or herself at a recall election.

A replacement candidate must meet existing legal qualifications and requirements to run for the office. According to the *Torrance Charter* - "No person shall be eligible to hold any elective office in the City unless he be a resident and elector therein and shall have resided in such City for at least thirty (30) days next preceding the date of his filing of nomination papers." Registered voters must be U. S. citizens and at least 18 years of age.

Will party affiliation be noted on a recall ballot?

No. Municipal offices are non-partisan.

How does the nomination process for replacement candidates work?

Candidates must follow the general nomination procedures to run for office and must file the paperwork no later than 75 days before a scheduled recall election and not before the day the order of the election is issued. (E.C. §11381(b))

Candidates must file a declaration of candidacy with the City Clerk and obtain no more than 30 and no less than 20 signatures on forms issued by the City Clerk.

Do campaign contribution laws apply to recall elections?

The Fair Political Practices Commission (FPPC) has indicated that contribution limits do not apply to ballot measure committees in favor of or opposing the recall drive.

Are campaign contribution and expenditure reports for the recall committees and candidates be available for review?

The City Clerk will make all campaign documents available at the public counter and on the City of Torrance website.

When would a newly elected Councilmember take office?

Depending on who has conducted the election, a councilmember would be installed at a City Council meeting either no later than the third Friday after the election or no later than the third Friday following presentation of the 28-day canvass. (E.C. §10263)

Has a Torrance councilmember or mayor ever been recalled?

The last successful recall of elected officials occurred in 1941.

The last two recalls circulating expired on July 12, 2006. They did not succeed.

A Torrance Election History is available on the City Clerk's page of the City of Torrance website – www.torrcnet.com.

For additional information contact the City Clerk's office at 310.618.2870